

DATE: November 10, 2021

TO: Education Stakeholders

FROM: Michael Cavin, Executive Director, Iowa Board of Educational Examiners

SUBJECT: Mandatory Reporting of Ethics Violations

In the 2021 legislative session, HF 744 was passed, adding another mandatory reporting area. This is in addition to the mandatory reporting areas passed in 2012 and 2017

As a reminder, the employee discipline that must be reported to the BOEE includes written reprimands, written warnings, job separation agreements, resignations, nonrenewals, or terminations that resulted from employee misconduct covered by the mandatory reporting areas. The mandatory reporting discipline areas are listed below:

1. Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student.
2. Falsifying student grades, test scores, or other official information or material.
3. Converting public property or funds to the personal use of the school employee.
4. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal drugs, unauthorized drugs, or alcohol.
5. Discrimination on the basis of free speech or intellectual freedom.

The reporting requirement for administrators following nonrenewal or termination due to conduct that, if proven, constitutes a disqualifying criminal offense under Iowa Code section 272.2(14)(b)(1) remains in the statute. Disqualifying criminal offenses include: Forcible felonies including child endangerment, assault, murder, sexual abuse, and kidnapping; sexual abuse offenses, including lascivious acts with a child, assault with intent to commit sexual abuse, indecent contact with a child, sexual exploitation by a counselor or school employee, lascivious conduct with a minor; enticing a minor; human trafficking; incest; dissemination and exhibition of obscene material to minors; and telephone dissemination of obscene material to minors.

Administrators must report any disciplinary action against a BOEE-licensed employee for the behaviors listed above. Section 272.15 identifies the potential consequences for administrators who fail to follow this legislation:

The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

Ethics complaint forms may be obtained from the BOEE by contacting Nicole Proesch at [Nicole.Proesch@iowa.gov](mailto:Nicole.Proesch@iowa.gov). The BOEE Ethics handout may be accessed at: <http://boee.iowa.gov/doc/ethHndot.pdf>

If you have any questions about whether or not a disciplinary action should be reported to the BOEE, please contact me for clarification at [Mike.Cavin@iowa.gov](mailto:Mike.Cavin@iowa.gov).